

Licensing Board, 7 May 2013

**LICENSING BOARD
7 May 2013**

PRESENT: Councillor Andrew Morgan - Chairman; Councillors John Adams, Mark Battistini, Linda Bailey, Stephen Chappell, Susan Phillips, Anne Rey, Theo Stratton and John Trickett.

Councillor Bob Chapman, Central Ward Councillor, also attended for clause, below.

The meeting commenced at 09.47 am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

No items.

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Vice-Chairman Councillor Kelsey and from Councillor Christopher Wakefield.

69. DECLARATIONS OF INTEREST

There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct. In relation to clause 71 below, Councillor John Trickett declared for the purpose of transparency, that he was a customer of Moordown Late Stop.

70. DEPUTATIONS

The Democratic Services Officer reported that there were no deputation requests received under Procedure Rule 37.

**71. APPLICATION FOR A REVIEW OF LICENCE - MOORDOWN LATE STOP,
893 WIMBORNE ROAD**

The Board considered an application made by Bournemouth Trading Standards Service - for the review of the premises licence for Moordown Late Stop, 893 Wimborne Road, on the grounds that they believed the premises were not achieving the protection of children from harm licensing objective. The review was submitted following a test purchase for underage sale of alcohol by a 14 year old volunteer on 12 March 2013.

Licensing Board, 7 May 2013

The Senior Licensing Officer summarised the detail of the application as set out in Report 'A'. The application by the Trading Standards Service produced a representation in support from Bournemouth Assessment and Safeguarding Team, on the grounds that the premises were not achieving the protection of Children from Harm licensing objective.

The following persons attended the Board hearing and gave verbal evidence based on their written submissions:

- The applicant - Bournemouth Trading Standards Service - represented by Ms Jennifer Elinor.
- The premises licence holder and Designated Premises Supervisor - Mr Naval Kochhar and the proposed Designated Premises Supervisor Mrs Angela Kochhar.
- Mr David Ramsey - Licensing Consultant representing Mr and Mrs Kochhar.

Members asked various questions to all of the parties present during the hearing. All parties were given the opportunity to sum up before the Board retired to make its decision.

DECISION MADE:

1. That the current Designated Premises Supervisor, Mr Naval Kochhar be removed from the Licence and replaced by Mrs Angela Kochhar.
2. That the following amendments and additional conditions be imposed upon the premises licence and operating schedule:-
 - The times the licence authorises the sale of alcohol to be amended as follows: Monday to Saturday: 08:00 to 18:30 and Sunday: 10.00 to 14:30.
 - All staff, including new employees, involved in the retail of alcohol will receive documented training in responsible alcohol retailing.
 - All staff, including new employees, will complete the 'SWERCOT' in-house training and refreshers in the 'SWERCOT' training must be held at least every 6 months for all staff.
 - All in-house training must be fully documented and signed, including the original test papers.

Licensing Board, 7 May 2013

REASONS FOR DECISION:

The Chairman explained that the Board had taken account of the written evidence that had been submitted by all parties before the meeting along with the verbal submissions made by all parties at the meeting.

The Chairman highlighted that the Board considered the sale of alcohol to a child under 18 years of age to be a very serious matter. However, the Board were confident that with the change of the Designated Premises Supervisor to Mrs A. Kochhar and with the conditions on the licence and the additional conditions imposed at the hearing that the licensing objective for protection of children from harm would be upheld if all conditions were adhered to.

The Board accepted that the new designated premises supervisor, Mrs. A. Kochhar had sufficiently demonstrated that she was capable of upholding and promoting all of the licensing objectives. The Board welcomed the offer to amend the finishing time for the sale of alcohol in the evening and felt this would assist the premises to fulfil the protection of children from licensing objective. However, the Board did express concern at the apparent lack of completion of the refusals register and would expect to see this checked on a regular basis in the future.

The Board noted the training that had been undertaken by all staff and wanted to ensure that regular training for staff would continue and therefore felt that it was necessary to include the training conditions which were included within the report provided by Mr David Ramsay on behalf of the applicant.

On balance, the Board felt it important that the Designated Premises Supervisor was replaced and also to include the additional conditions with regarding training and to reduce the current hours covered by the premises licence but did not consider it necessary in this instance to revoke or suspend the premises licence, given the submissions made by the new designated premises supervisor.

The Senior Solicitor advised that any persons aggrieved by the decision would have the right of appeal to the Magistrates Court, and any such appeal should be lodged within 21 days of receiving the decision letter.

72. GAMBLING ACT 2005 - APPLICATION FOR A NEW PREMISES LICENCE FOR BETTING SHOP - 7 OLD CHRISTCHURCH ROAD

The Board considered an application made by Done Brothers (Cash Betting) Limited for a new Premises Licence for a betting shop, Betfred, under the Gambling Act 2005.

Licensing Board, 7 May 2013

The Senior Licensing Officer summarised the application as set out in Report 'B'. Consultation on the application had resulted in one representation from a Ward Councillor. The representation was made on the grounds of the Protection of Children and the Vulnerable licensing objective. The following persons attended the Board hearing and gave verbal evidence based on their written submissions:

- Interested Party - Ward Councillor Bob Chapman
- Applicant - Done Brothers (Cash Betting) Ltd - represented by Mr Mark Owen, Solicitor and Mr John Edwards, Development Manager Betfred.

Members asked various questions to all of the parties present during the hearing. All parties were given the opportunity to ask questions of each other and to sum up before the Board retired to make its decision.

DECISION MADE:

That the Premises Licence be granted subject to the following additional conditions:

- An appropriate and sufficiently robust proof of age scheme will be in operation on the premises;
- An appropriate CCTV system will be maintained on the premises to include a covert pin hole CCTV camera at the entrance.
- An entry control system, through the use of a magnetic lock, will be provided as part of the premises security specification;
- The entrance to the premises, and the Fixed Odds Betting Terminals (slot machines) playing area, will be capable of being supervised from behind the main counter;
- Notices and signage appropriate for underage and Gamcare will be displayed prominently throughout the premises.
- A self exclusion scheme will be in operation in the premises, and for any customers who have self-excluded from Betfred's existing shops in the area, such self-exclusion shall also carry over and will apply to this shop;
- Gamcare leaflets will be displayed in the premises and staff will be sufficiently trained to assist those customers who require assistance in that regard.
- Toilets to be kept locked when not in use;

Licensing Board, 7 May 2013

- The premises will adhere to the Safe Bet Alliance Voluntary Code of Safety and Security;
- Social compliance policies and procedures will be regularly audited by shop staff and area management;
- A log will be maintained for the recording and reporting of underage refusals and self exclusions;
- Appropriate induction and refresher training for all staff on social compliance;
- The frontage and any promotional literature used to advertise Betfred's facilities will be of a careful and sensitive design.

REASONS FOR DECISION:

The Chairman explained that the Board had taken account of the written evidence that had been submitted by all parties before the meeting along with the verbal submissions made by all parties at the meeting.

The Board considered that the very prominent location of the premises and the number of young students that regularly congregate in the area were compelling grounds for including the additional conditions which were detailed by the applicant in their submission to the Licensing Board. The Board felt that, in particular, the premises should have the ability to control entry onto the premises through the use of a magnetic lock on the main entrance. The Chairman highlighted the distinctive nature of the premises' location in Bournemouth Square, which the Board felt required the additional condition regarding the design of the frontage and advertising hoardings to be included on the licence.

The Board considered that the additional conditions for the Licence would ensure that the protection of children and the vulnerable licensing objective. The Chairman wished the applicants every success in running a responsible business in the town centre.

The Senior Solicitor advised that any persons aggrieved by the decision would have the right of appeal to the Magistrates Court, and any such appeal should be lodged within 21 days of receiving the decision letter.

Licensing Board, 7 May 2013

73. EXCLUSION OF THE PRESS AND PUBLIC

DECISION MADE:

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

74. UPDATE ON APPEALS

The Board received an update from the Senior Solicitor on a number of appeals due to be considered by the Magistrates Court.

DECISION MADE:

That the update be noted.

The meeting adjourned between 10.38am - 10.59am and 12.12pm - 12.30pm.

The meeting closed at 12.40pm.

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